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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,945	10/31/2003	Emlyn Jones	84710/3157 KAW	8934
20736	7590	06/02/2005	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			COLLINS, TIMOTHY D	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,945

Applicant(s)

JONES ET AL.

Examiner

Timothy D Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the UK on 6/02/03 and 7/7/03. It is noted, however, that applicant has not filed a certified copy of the 0312490 or 0315800 applications as required by 35 U.S.C. 119(b).

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 8 is objected to because of the following informalities: in line 2 the term "pivoatbly" should be "pivotably". Appropriate correction is required.

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4. Claim 3 is objected to because of the following informalities: the term "extend" should be "extends". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear exactly how the fan containment casing may be integral to the intake in claim 2 and also releasably attached as claimed in claim 5.

Clarification is needed in this regard. Because of this the claim 5 is treated as best understood. Also note that at least the term "integral" or the term "releasable" seems to be counter to the accepted meaning. Integral usually means one piece. Releasable usually means 2 pieces that come apart.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It

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is not clear how exactly the access door is to be "openable only when the C-shaped portions are closed". The specification does not include any detail as to how this is accomplished therefore the examiner must assume that manually is acceptable. In this way the doors would be opened by the operator only when the C-shaped portions are closed.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1,2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by applicants own admitted prior art of at least figure 1.

a. Re claim 1, The figure shows the claimed structure and is considered prior art because of the description of the figure 1 in the specification calling it a "prior art nacelle surrounding a conventional fan gas turbine engine".

b. Re claim 2, if the term "integral" does not mean one piece which is not releasable then this claim reads directly on the prior art as disclosed by the applicant because the fan casing is "integral" to the intake even though it is in a

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separate piece. Note: this claim is treated as such because of the confusion that claim 5 brings in.

c. Re claim 5, it is unclear how the applicant intends for the fan casing to be "integral" and also releasably attached, and how this is intended to differ from the prior art if it is claimed in this way. Clarification of this is needed because of the disparity between claims 2 and 5.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6227485 to Porte (hereinafter called 485).

d. Re claim 1, 485 discloses an engine (7) which inherently has accessories because the engine must have hydraulics and pumps for fuel as well as electric relays and controls which are all considered accessories which are mounted to the fan casing and core engine. Also 485 discloses that the nacelle (as seen in figure 1 as the entire surrounding object around the engine) comprises an intake (3) and thrust reverser unit (5) which is formed of 2 c-shaped openable portions as seen in at least column 3 at lines 1-15. The thrust reverser unit being openable to access the accessories as seen in figure 1 at least.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over 485 as seen above in claim 1 and further in view of USPN 4585189 to Buxton (hereinafter called 189).

e. Re claim 2, 485 may not disclose that the nacelle comprises a fan containment casing that is integral with the intake, however 189 teaches of this as can be seen in figure 1. This can be seen in that the fan containment casing of an engine is found aft of the propulsive fan and above the main compressor blades (as is taught by the applicants "prior art" figure and admissions through this figure), also the intake is the portion of the engine nacelle structure that is upstream of the propulsive fan and therefore it can be seen in the figure of 189 that the fan containment casing is integral with the intake. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the teachings of 189 into the device of 485 so as to allow for a decrease in the number of pieces to the nacelle for ease of maintenance and to allow for space savings in parts warehouses and on board aircraft carriers for Navy aircraft. Note: this combination would give an engine with a nacelle which has the front part of 189 and the thrust reverser section of 485.

f. Re claim 3, 485 as modified in claim 2 discloses that the intake comprises an acoustic panel that extends between a downstream edge of the fan containment casing and a leading edge of the intake. This is seen in that the figure 1 of 189 shows in a dotted line above toward the top of the nacelle interior a panel of the nacelle. This panel is inherently made of some material. All

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materials inherently deaden some sound or redirect some sound. Therefore the material of this surface as seen in 189 will be an "acoustic panel" which reduces engine-generated noise in some direction. Most likely this panel will reduce the noise in the direction to the sides of the engine, because the noise will be channeled out the front of the engine. Note: it is suggested that the applicant claim how much noise is reduced and from what base line this reduction takes place. Also note that no reference was given and therefore a "reduction" can be almost anything and in any direction. Also no definition of acoustic panel has been given and therefore a broad definition has been used.

g. Re claim 4, 485 as modified may not specifically disclose that the fan containment casing is disposed outside of a fire zone, however it is old and well known in the art that there are multiple separate fire zones on an aircraft engine. These zones are merely regions that must be kept free of leaking flammable materials and must also be maintained at a cooler temperature. Therefore it would have been obvious to one of ordinary skill in the art to place the fan containment casing of the device as modified outside of at least one fire zone of the nacelle because it is located with the inlet and not attached to the rear section of the nacelle where most fire zones are located. This would be done because it is old and well known in the art that engine accessories which must be placed in fire zones are located close to the engine where they will be needed and the inlet is not one of these places, because the combustion and hydraulics and fuel pumps of the engine are located near the middle of the engine and not



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in front of the compressors of the engine. Therefore at least one fire zone would be located near the middle of the engine toward the rear and this would be separated from the front section of the nacelle because it is split as seen in 485 as modified. Note: the fan containment casing may be in a fire zone, however it is not in at least one, therefore this reading meets the limits of the claim, in other words there will be at least one "other" fire zone in the nacelle.

h. Re claim 5 as best understood, 485 as modified discloses that the fan containment casing is releasably attached to the intake in that it may be taken off at least for maintenance with some tool whether it is a screw driver or a saw. In as much as applicants device is integral and releasably attached the device of 485 as modified is as well. Note: because of the 112 rejection above this claim is treated as best understood.

13. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over 485 as applied to claims 1-5 above, and further in view of USPN 6334730 to Porte (hereinafter called 730).

i. Re claims 6 and 7, 485 as modified may not specifically disclose an access panel radially outward of the fan containment casing in the C- shaped portions, however figure 2 of 730 teaches of this (approximately above number 18, a small door is seen with hinges and latches). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an access panel in the device of 485 as modified so as to allow for access to accessories while the main access doors are closed. This would be

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done to allow for fast access to common parts as is also done in the other fields such as the gas door of a car, and the oil hatch on the cowling of a Cessna 172.

j. Re claim 8, 485 as modified above in claims 6-7, discloses the access door being pivotably attached to the C-shaped portions. Also the statement "and is openable only when the C-shaped portions are closed" is a recitation of intended use. Therefore the door as stated above meets this limitation because the door of the art as modified is capable of being openable only when the C-shaped portions are closed because this can be done manually in that the operator can choose to only open it when the C-shaped portions are closed.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses a nacelle.


k. USPN 5157915

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy D. Collins  
Patent Examiner  
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